



IN REPLY REFER TO:

## United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
500 NE Multnomah Street, Suite 600  
Portland, Oregon 97232-2036

AR 7.1  
RECEIVED SF 14

OCT 9 1996

Environmental Cleanup Office

October 4, 1996

Timothy Brincefield, Remedial Project Manager  
U. S. Environmental Protection Agency, Region X  
1200 Sixth Avenue  
Mailstop HW 113  
Seattle, WA 98101



AR 7.1

Dear Mr. Brincefield:

This is in response to your letter dated August 9, 1996 notifying the Department of the Interior of the opportunity to review the Proposed Plan for Remedial Action (Plan) at the Monsanto Chemical Company Superfund Site in Soda Springs, Idaho and to invite the Department to participate in negotiations.

The Plan states that contaminated groundwater is used for cooling purposes and discharged through a ditch into Soda Creek. However, it also states that the main sources of contaminant releases have been eliminated or controlled over the past decade and it is estimated that the groundwater will recover. Sediments collected from Soda Creek indicated elevated levels of contaminants. Although this discharge is regulated under the Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System permit, the Department continues to be concerned with the potential transport of contaminants to aquatic resources in Soda Creek and Alexander Reservoir. Alexander Reservoir supports migratory birds such as piscivorous white pelican and numerous waterfowl, and wintering bald eagles. From the Feasibility Study we understand that tests conducted on sediments in Alexander Reservoir indicated that toxicity is not due to this discharge. However, without more specific information regarding the nature of this discharge or monitoring requirements outlined in the permit, the Department cannot be certain that these methods will be adequate to ensure that contaminant levels will not increase and effect aquatic resources and/or migratory birds. We recommend that the preferred alternative include contingencies in the event that monitoring shows contaminants to be increasing and fish and wildlife may be effected.

Migratory birds protected under the MBTA include commonly observed species such as robins, meadowlarks, sparrows, and waterfowl. Any open water will attract migratory birds regardless of surrounding vegetation, and should be considered a source for the movement of contaminants. This may be

particularly true in winter if sources of available water are limited. All on-site process ponds should be made unavailable for access by wildlife, specifically migratory birds.

Similarly, areas of contaminated soils that have been identified as posing significant risks should not be identified as viable habitat for wildlife. We recommend that land-use restrictions for current and future uses, and soil cleanup and source control remedies discourage the creation of habitats which may attract wildlife.

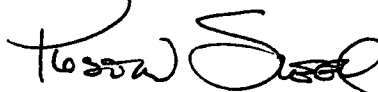
In addition I have attached a current list of threatened, endangered, and species of concern which may occur within the project area. This list updates the list referenced in the Feasibility Study (page 1-17), dated 1991; lists are considered current for 180 days. If you determine your action could have an effect on a listed species we recommend you contact U.S. Fish and Wildlife Service's (Service) Snake River Basin Office. The point of contact for the Service is Roy Heberger or Susan Burch of the Snake River Basin Office at (208) 334-1931.

It appears to us that trust resources have been potentially impacted by the release of hazardous materials at this site. The EPA has conducted data collection activities documenting a release of contaminants. However, to date specific information regarding impacts to natural resources, especially migratory birds, is inadequate to fully document potential injuries and damages. To address these concerns in a manner consistent with our responsibilities under CERCLA [Section 122 (j)], we believe two options deserve considerations:

- 1) The Potential Responsible Parties (PRPs) could fund the Service or a contractor to fully determine the release, pathways and potential impacts to trust resources to allow EPA to identify the most appropriate alternatives for remediation; and/or
- 2) The Department of the Interior could participate in negotiations with EPA and the PRPs, to address possible injuries through the collection of estimated damages.

I appreciate your cooperation in this matter and look forward to working with you. If you have any questions, please contact me at (503) 231-6157.

Sincerely,



Preston Sleeper  
Acting Regional Environmental Officer

## ATTACHMENT 1

LISTED AND PROPOSED ENDANGERED AND THREATENED  
SPECIES, AND CANDIDATE SPECIES, THAT MAY OCCUR  
WITHIN THE AREA OF BEAR LAKE COUNTY  
FWS-1-4-96-SP-286

## BEAR LAKE COUNTY

## LISTED SPECIES

Mammals

Gray wolf (LE;XN)  
(*Canis lupus*)

Birds

Bald eagle (LT)  
(*Haliaeetus leucocephalus*)

Peregrine falcon (LE)  
(*Falco peregrinus anatum*)

Whooping crane (LE)  
(*Grus americana*)

## PROPOSED SPECIES

None

## CANDIDATE SPECIES

None

The Fish and Wildlife Service has concerns about the following plants and animals. Although these species have no status under the Endangered Species Act, we are concerned about their population status and threats to their long-term viability. In context with ecosystem-level management, we suggest that you consider these species and their habitats in project planning and review.

Mammals

Long-eared myotis  
(*Myotis evotis*)

Western small-footed myotis  
(*Myotis ciliolabrum*)

Townsend's big-eared bat  
(*Plecotus townsendii*)

Wolverine  
(*Gulo gulo luscus*)

Fish

Bonneville cutthroat trout  
(*Oncorhynchus clarki utah*)

Plants

Cache penstemon  
(*Penstemon compactus*)

Rydberg's musineon  
(*Musineon lineare*)

Birds

White faced ibis  
(*Plegadis chihi*)

Northern goshawk  
(*Accipiter gentilis*)

Ferruginous hawk  
(*Buteo regalis*)

Black tern  
(*Chilodrias niger*)

GENERAL COMMENTS

**GRAY WOLF** -- Since the translocation of wolves from Canada, the population in Idaho south of Interstate Highway 90 is considered "experimental, non-essential" under Section 10(j) of the Endangered Species Act. Under these circumstances, Federal action agencies are required to confer with the Service if their actions are likely to jeopardize the continued existence of gray wolves (see 50 CFR 17.83). Of course, you may opt to confer with the Service regardless of your determination.